

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOSEPH RAIMONDO, et. al.,

Plaintiff,

Case No.: 03-CV-71972-DT

vs.

HON. DENISE PAGE HOOD
MAG. JUDGE WALLACE CAPEL, JR.

FRITZ BUILDERS, INC., et. al.,

Defendant.

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ORDER DENYING “DEFENDANT’S TRIAL MOTION IN LIMINE”

The Defendants filed a “Trial Motion in Limine,” on November 29, 2004, to prevent the offer of certain testimony and documents as evidence. Defendant’s Motion is denied for two reasons.

First, a pretrial motion in limine is not as effective of a means of alerting the trial judge to evidentiary problems as a contemporaneous motion at trial. Burger v. Western Kentucky Nav., Inc., 960 F.2d 149, 1992 WL 75219.

Secondly, Defendant’s Motion calls for rulings by the Court which are better addressed in a motion to dismiss or for summary judgment. A motion in limine is a “protective order against prejudicial questions and statements.” Blacks Law Dictionary, 526 (5th ed. 1989). It bars the admission of irrelevant and prejudicial information. Defendant’s Motion goes further in that it requires the Court to determine if Plaintiff has sufficiently plead and proved conspiracy under 42 U.S.C. § 1985, RICO, equal protection, and whether Defendants were acting under state law.

Defendant's Motion, therefore, is **DENIED WITHOUT PREJUDICE. IT IS SO ORDERED.**

The parties are hereby informed that any objections to this order must be filed with the district court within ten days after being served with a copy thereof, pursuant to Rule 72(a), Federal Rules of Civil Procedure.

s/Wallace Capel, Jr.
WALLACE CAPEL, JR.
UNITED STATES MAGISTRATE JUDGE

DATED: August 2, 2005

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

CERTIFICATE OF SERVICE

I hereby certify that on August 2, 2005, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system,
and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: Joseph Raimondo, P. O. Box 330, Armada, Michigan 48005 and Mark Clark, 137 W. St. Clair, Romeo, Michigan 48065.

s/James P. Peltier
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